



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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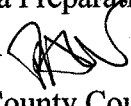
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March 19, 2015

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TO: PATRICK OGAWA
Acting Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Justin Malone v. County of Los Angeles
Los Angeles Superior Court Case No. BC 491 009

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached is the Case Summary and Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:cs

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Justin Malone v. County of Los Angeles, Los Angeles Superior Court Case No. BC 491 009, in the amount of \$4,500,000, plus waiver of medical payments to the County in the estimated amount of \$790,000, plus assumption of the Medi-Cal lien in the approximate amount of \$200,000, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Health Services' budget.

This medical malpractice lawsuit concerns allegations that LAC+USC Medical Center failed to treat Plaintiff's condition, which led to his paralysis.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Justin Malone v. County of Los Angeles, et al.
CASE NUMBER	BC 491009
COURT	Los Angeles Superior Court - Central District
DATE FILED	August 24, 2012
COUNTY DEPARTMENT	Department of Health Services
PROPOSED SETTLEMENT AMOUNT	\$4,500,000, plus waiver of medical payments to the County in the estimated amount of \$790,000, plus assumption of the Medi-Cal lien in the approximate amount of \$200,00
ATTORNEY FOR PLAINTIFF	Steven A. Heimberg, Esq. Heimberg Law Group LLP
COUNTY COUNSEL ATTORNEY	Narbeh Bagdasarian Senior Deputy County Counsel
NATURE OF CASE	<p>In September 2010, Justin Malone, a 30-year-old male, was involved in a motorcycle accident. Following the accident, Mr. Malone was treated at Cedars-Sinai Medical Center. He underwent surgery where the rupture was repaired with a large stent-graft.</p> <p>On October 19, 2011, Justin Malone collapsed while playing basketball. He was brought to the LAC+USC Medical Center where he was admitted and evaluated. Mr. Malone's condition deteriorated, and due to a problem with his blood circulation, his spinal cord was injured. As a result, Mr. Malone was rendered paralyzed.</p> <p>Justin Malone filed a lawsuit against the County of Los Angeles alleging that LAC+USC Medical Center failed to treat his condition which led to his paralysis.</p>
PAID ATTORNEY FEES, TO DATE	\$96,539
PAID COSTS, TO DATE	\$69,619

Case Name: Malone, Justin #3746



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	October 19, 2011
Briefly provide a description of the incident/event:	<p>In September 2010, Justin Malone, a 30-year old male, was involved in a motorcycle accident. Following the accident, Mr. Malone was treated at Cedars-Sinai Medical Center. He underwent surgical repair of his aorta using a stent-graft.</p> <p>On October 19, 2011 Justin Malone collapsed while playing basketball. He was brought to the LAC+USC Medical Center where he was admitted and evaluated. Mr. Malone's condition deteriorated, and due to a problem with circulation at the site of the stent-graft, his spinal cord was injured. As a result, Mr. Malone was rendered paralyzed.</p> <p>Justin Malone filed a lawsuit against the County of Los Angeles alleging that LAC+USC Medical Center failed to treat his condition which led to his paralysis.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

Paralysis resulting from inadequate blood supply to spinal cord.

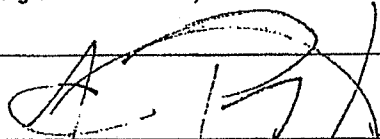
2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

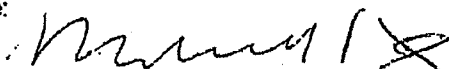
- All appropriate personnel corrective actions were taken.
- Education was provided to Emergency, Radiology, Neurosurgery, and Internal Medicine physicians regarding this case.
- A process improvement team was developed to analyze and improve communication between Emergency Medicine and Radiology regarding critical clinical information.
- A program was developed to improve the transition of care between Emergency Medicine and the admitting Medicine Service.
- All county hospital emergency departments are actively working to implement new processes to improve communication and transition of care between Emergency Medicine and other medical services.

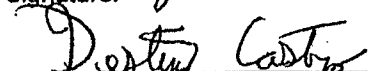
3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

County of Los Angeles
Summary Corrective Action Plan

Name: (Risk Management Coordinator)	
Signature: 	Date: 2/26/15

Name: (Department Head)	
Mitchell Ketz MD	
Signature: 	Date: 3/3/15

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions applicable to other departments within the County?	
<input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability.	
<input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General)	
Destiny Castro	
Signature: 	Date: 3/3/2015